

**TOWN COUNCIL  
REGULAR MEETING  
SEPTEMBER 16, 1998**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:02 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Interim Town Administrator Rawls, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

**3. PRESENTATIONS**

**3.1 Representative Tracy Stafford**

Later in the meeting Representative Stafford advised that during the legislative session, his priorities included: roofies (date rape drug), death penalty preservation act; and criminal and juvenile justice.

**3.2 The Davie Wildwest Gunslingers**

Mayor Venis presented a plaque to the Davie Wildwest Gunslingers for their support in the photo shoot challenge with New Zealand.

**3.3 Donna Gould, Police Service Aide - Five Years**

Mayor Venis presented Ms. Gould with a service award.

**3.4 Holly Bickman, Police Service Aide - Ten Years**

Mayor Venis presented Ms. Bickman with a service award.

**3.5 Mitch Frank, Police Officer - Ten Years**

Later in the meeting, Mayor Venis presented Officer Frank with a service award.

**3.6 Michael Hall, Plant Operator II - Fifteen Years**

Mayor Venis presented Mr. Hall with a service award.

**3.7 Richard Wendrow, Police Officer - Fifteen Years**

Officer Wendrow was not present.

**3.8 Fire/Rescue Training and Operations Update**

Fire Chief Michael Donati advised that 344 hours of training had been given and indicated that the department was on schedule to take over EMS services at Station 68. He stated that the transition would take place on October 1, 1998 at 7:00 a.m. and one emergency transport vehicle would be provided at this time with two paramedics and one EMT. Chief Donati added that EMS services would be provided seven days a week, 24 hours a day and this transition would not present any disruption of service or patient care.

Vice-Mayor Cox stated that she thought that there would only be two individuals on the transport vehicle. Chief Donati advised that the Town could not get a concession from AMR on staffing of AMR's units.

Mr. Rawls congratulated the Fire Department and staff for going through the extensive training and he thought the residents would see a seamless transition. Chief Donati commended the Fire Department staff on the EMS system becoming a reality.

**3.9 Community Redevelopment Agency**

Neal Kalis, Agency Chair, updated Council on the Agency's efforts.

**3.10 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent**

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Annual Country Craft and Car Show (September 19th - 20th); 5 Star Rodeo (September 25th - 26th); Shooting Challenge against New

Zealand (September 19th - Clewiston); Grand Prix Equestrian Jump Show (October 2nd and 31st, and December 19th) and Rexmere dedication (October 4th).

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: Knitting with Bobbie (every Wednesday); Canasta Club (every Thursday); and mail-in registration for in-house soccer (September 21st - October 23rd).

Ms. Pierce-Kent introduced Tim Thompson who had been hired as the Recreation Leader for the Eastside Community Hall. Mr. Thompson advised that he was working hard to get community based services for this area and added that besides the activities being recreational, they would also be educational based for adults as well as children.

Ms. Pierce-Kent advised that the Community Services Department had formed a partnership with the Community Redevelopment Agency to develop the vacant land next to the Eastside Community Hall into a community garden. She advised of a grant pre-proposal to the South Florida Community Urban Resource Partnership which she explained.

Ms. Pierce-Kent displayed the Town's recreation bond brochure.

#### **4. OCCUPATIONAL LICENSES**

##### *Home Occupational Licenses*

##### **4.1 Imaginique, Inc., 10931 SW 31 Street**

Ann McNally, the applicant, was present. She confirmed that the request was for mail and phone use only. Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

##### **4.2 INVU Portraits, 3125 SW 144 Terrace**

Robert Wardell, the applicant, was present. He confirmed that the request was for mail and phone use only. Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - out of room; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

##### **4.3 Landscapes By Design, Inc., 3550 SW 116 Avenue**

Mayor Venis indicated that this item was to be tabled.

##### **4.4 The Mobilizer, 4495 SW 101 Avenue**

Robert Henderson, the applicant, was present. He confirmed that the request was for mail and phone use only. Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

##### *Carnival - Waiver of Occupational License Fee*

##### **4.5 Saint David Catholic Church, 3900 South University Drive (October 29 - November 1, 1998)**

Ed Matula, the applicant, was present and requested a waiver of fee for the occupational license. Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 4.3 needed to be tabled to October 21, 1998.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 7.10, 9.5, 9.11, 9.15, and 9.16 needed to be tabled to October 7, 1998.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes;

Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 9.10, 9.13 and 9.14 needed to be tabled to November 18, 1998.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 9.12 needed to be tabled to October 21, 1998.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **5. MAYOR/COUNCILMEMBER COMMENTS**

### **COUNCILMEMBER WEINER**

**MEETINGS.** Councilmember Weiner stated that Council had held a workshop to discuss the Robbins Lodge and the lobbyist ordinance. He advised that he had spoken to the Davie Merchants and Industrial Association meeting and he appreciated the reception. Councilmember Weiner mentioned that he had planned to attend the Fraternal Order of Police Associates meeting on September 14th; however, he had been detained at a meeting of a political action committee. Councilmember Weiner stated that a joint powers agreement meeting had been held to explore a regional based fire rescue system.

**HOLIDAY.** Councilmember Weiner wished those of the Jewish faith a Happy New Year. He indicated that Rosh Hashannah and Yom Kippur would also be observed soon.

### **VICE-MAYOR COX**

**EASE LUNCHEON.** Vice-Mayor Cox advised that the Luncheon would be held on October 8th and Sheriff Ken Jenne would be honored.

**PARKS AND RECREATION BOND.** Lisa Edmondson, Friends of Davie Parks and Recreation Political Advisory Committee, discussed the bond and proposed projects. Mayor Venis asked that a presentation on the bond issue be scheduled for each Council meeting.

### **COUNCILMEMBER PAUL**

**NOB HILL ROAD TRAFFIC.** Councilmember Paul stated that she had received calls concerning traffic on Nob Hill Road due to the new school's opening and suggestions for improving the traffic pattern were being discussed. She recommended that those children who were offered bus service should use the service instead of parents driving them.

**HOLIDAY.** Councilmember Paul wished those of the Jewish faith a Happy New Year. She wished everyone the best of holiday greetings for the upcoming holidays.

**MOUNTED PATROL.** Councilmember Paul reiterated her interest in increasing the mounted patrol and recommended that a COP grant be looked into. She suggested that the patrol be increased by two or three horses.

**PARKS AND RECREATION BOND.** Councilmember Paul congratulated Ms. Edmondson and the members of the Friends of Davie Parks and Recreation Political Advisory Committee on their efforts. She asked everyone to do what they could to help the Committee and to learn what they could to make an educated decision on November 3rd.

**UPCOMING EVENTS.** Councilmember Paul announced that the Fraternal Order of Police Associates would be holding its Pancake Breakfast on October 11th at the Davie Woman's Club. She indicated that the Police Athletic League's Spaghetti Dinner would be held on October 21st in the Community Room.

### **COUNCILMEMBER BUSH**

Councilmember Bush had nothing to report.

### **MAYOR VENIS**

**POLICE ATHLETIC LEAGUE.** Mayor Venis stated that Council had attended a ribbon cutting ceremony at Potter Park for the Police Athletic League building. He congratulated those involved and indicated that there would

be further expansion at Potter Park with the bond issue.

**LIBRARY.** Mayor Venis indicated that he and Mr. Rawls had met with Sam Morrison regarding the Town's library. Mr. Rawls advised that information would be provided to Council within the next 60 days.

**SCHOOL BUS STOPS.** Mayor Venis stated that he had received a number of calls regarding school bus stops. He indicated that some bus stops had been changed to make it safer for the children.

**MEETINGS.** Mayor Venis advised that he was meeting with the Orange Park residents on September 17th. He stated that he had been invited to attend the Shenandoah homeowners meeting tonight, however, there were some issues on the Council agenda regarding the Shenandoah area.

**LOCKED RESTROOMS.** Mayor Venis advised that he had received calls regarding locked restrooms at the parks when practices were scheduled. Ms. Pierce-Kent indicated that this issue had been resolved.

**SPEED HUMPS.** Mayor Venis stated that the placement of speed humps in the Shenandoah and Ivanhoe communities had been marked with Mr. Rawls indicating that the work should begin in the next two weeks. He advised that other communities had also requested speed humps.

## **6. TOWN ADMINISTRATOR'S COMMENTS**

**BOND REFERENDUM.** Mr. Rawls stated that bond referendum brochures were available and congratulated the many volunteers who were involved with the referendum.

**WEBSITE.** Mr. Rawls stated that the Town's website address was [www.davie-fl.gov](http://www.davie-fl.gov).

**RESOLUTION.** Mr. Rawls asked that Council consider a resolution as item 13.2. He indicated that the resolution was for an agreement with the Broward County School Board for the Boys and Girls Club. Vice-Mayor Cox explained the resolution.

## **7. CONSENT AGENDA**

### *Minutes*

7.1 August 19, 1998 - Regular Meeting

7.2 September 2, 1998 - Regular Meeting

7.3 September 3, 1998 - Special Meeting

### *Proclamation*

7.4 Kings Manor Day (October 1, 1998)

7.5 Park City Estates Day (October 1, 1998)

7.6 Park City West Day (October 1, 1998)

7.7 Rexmere Village Day (October 4, 1998)

7.8 Invasive Nonnative Plant Eradication Awareness Month (October 1998)

7.9 Fire Prevention Week (October 4 - 10, 1998)

### *Resolutions*

7.10 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH HART MOVES FOR AEROBIC CLASSES. (instructor to be compensated 75% of class fee, not to exceed \$20,000)

7.11 **CARRYFORWARD FUNDS** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-285 FLORIDA, RATIFYING THE CRA PRIOR YEAR CARRYFORWARD FUNDS AND PLACING SUCH FUNDS INTO THE FY 1998-99 CRA BUDGET

7.12 **LOT CONVEYANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-286 RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S CONVEYANCE OF A LOT TO DARNELL WATSON FOR CONSTRUCTION OF A NEW HOUSE IN THE EASTSIDE NEIGHBORHOOD; AND PROVIDING FOR AN EFFECTIVE DATE. (5565 SW 43 Street)

7.13 **SPECIAL COUNSEL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-287 RATIFYING THE ENGAGEMENT OF HOLLAND & KNIGHT AS SPECIAL COUNSEL TO

THE DAVIE COMMUNITY REDEVELOPMENT AGENCY FOR FISCAL YEAR 1998-99.

**7.14 PAY ADJUSTMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-288 APPROVING THE COST OF LIVING ADJUSTMENT FOR THE FEDERATION OF PUBLIC EMPLOYEES, BLUE COLLAR UNIT. (1.602%)

**7.15 PAY ADJUSTMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-289 APPROVING THE COST OF LIVING ADJUSTMENT FOR THE FEDERATION OF PUBLIC EMPLOYEES, WHITE COLLAR UNIT. (1.602%)

**7.16 PAY ADJUSTMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-290 APPROVING A COST OF LIVING ADJUSTMENT FOR NON-REPRESENTED EMPLOYEES AND A PAY ADJUSTMENT FOR NON-CLASSIFIED EMPLOYEES. (1.602%)

**7.17 ARENA RENTAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-291 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH RONALD M. BERGERON FOR THE RENTAL OF THE BERGERON RODEO GROUNDS, OF DAVIE FLORIDA. (Kick Off Party for Jeb Bush; October 11, 1998; rental fee - \$1,000)

**7.18 ARENA RENTAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-292 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE/COOPER CITY CHAMBER OF COMMERCE AND THE TOWN OF DAVIE. (Orange Blossom State Pro Rodeo; November 27 - 28, 1998; rental fee - waiver requested)

**7.19 ARENA RENTAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-293 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH HOWARD FOSTER FOR THE RENTAL OF THE BERGERON RODEO GROUNDS. (Hydro Car-Truck and Neon Show; December 6, 1998; rental fee - \$1,000)

**7.20 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR ASPHALTIC CONCRETE STREET RESURFACING, BROWARD COUNTY BID H298019B1. (Pan American Construction; lowest responsible bidder)

**7.21 ARENA RENTAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-294 AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH THE FULLY MONTY PRODUCTION FOR THE RENTAL OF THE BERGERON RODEO GROUNDS TO PRESENT A HORSE SHOW. (October 2 and 31, 1998 and December 19, 1998; rental fee - \$2,500)

**7.22 ASSIGNMENT OF BILLBOARDS** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-295 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS NECESSARY TO CONSENT TO THE ASSIGNMENT OF SEVEN BILLBOARDS FROM GOLD COAST ADVERTISING, INC. TO OUTDOOR SYSTEMS, INC. D/B/A OUTDOOR SYSTEMS ADVERTISING CO.; AND PROVIDING AN EFFECTIVE DATE.

**7.23 AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-296 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH UNIPROP MANUFACTURED HOUSING COMMUNITIES INCOME FUND FOR IMPLEMENTATION OF THE AGREEMENT ENTERED INTO BY THE PARTIES ON THE 6TH DAY OF MAY, 1998 REGARDING ANNEXATION OF "KINGS MANOR MOBILE HOME PARK" INTO THE TOWN OF DAVIE; AND PROVIDING AN EFFECTIVE DATE.

**7.24 EFFECTUATION OF ANNEXATION LOCAL BILL** - A RESOLUTION OF THE R-98-297 TOWN OF DAVIE, FLORIDA, FINDING AND DETERMINING THAT THE TERMS AND

CONDITIONS OF THE AGREEMENT BETWEEN THE TOWN OF DAVIE AND UNIPROP MANUFACTURED HOUSING COMMUNITIES INCOME FUND PROVIDING FOR THE ANNEXATION INTO THE TOWN OF CERTAIN PROPERTY KNOWN AS "KINGS MANOR MOBILE HOME PARK" HAVE BEEN MET; AND PROVIDING AN EFFECTIVE DATE.

Vice-Mayor Cox asked that item 7.22 be removed from the Consent Agenda. Councilmember Paul requested that item 7.20 be removed.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve without items 7.20 and 7.22. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.20 Councilmember Paul questioned if a vendor's "track record" was reviewed when a bid was piggybacked. Mr. Rawls replied affirmatively and advised that the bidding consortium provided a benefit of savings. He indicated that he did not know the track record of the vendor but Broward County did review each bidder.

Mayor Venis indicated that the last time this issue came up, he had requested that a bid be solicited from firms in the Town which had saved a lot of money. Mr. Rawls stated that this item could be tabled as there was no scheduled work pending.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to table. Mr. Rawls suggested that this item be withdrawn if it was to be rebid.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to withdraw. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.22 Vice-Mayor Cox stated that there was a movable billboard near Nob Hill Road which was illegal. She indicated that she had a letter from the current billboard company that indicated that if the Town found the billboard to not be legal, it would be removed. Mr. Webber stated that he believed the Code prohibited movable signs and after reading the Code, stated that it appeared that this sign was prohibited. Vice-Mayor Cox asked that Mr. Webber be given direction to advise the billboard company to remove the sign.

Councilmember Weiner so moved, seconded by Vice-Mayor Cox [for Mr. Webber to be given direction to advise the billboard company to remove the sign]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Weiner stated that he had a few issues that he hoped the petitioner would agree to. He said that one issue was to make the types of prohibited information be uniform. Allison Oliver, representing Gold Coast, indicated that this was acceptable. Councilmember Weiner requested that a banner or streamer which announced Town events, such as elections, be hung several times a year. Daniel Wells, representing Outdoor Systems, advised that he had written Councilmember Paul a letter regarding the option for public service advertising on a space available basis. Councilmember Weiner stated that he was not speaking on renting available space but having the ability to drape a banner over a portion of the billboard. He indicated that he was concerned with the "space available" and indicated that the banner would not cover the advertising.

Councilmember Bush questioned if banners were allowed by Code. Michele Mellgren, Director of Development Services, indicated that she believed the Code required that banners had to be attached to buildings and she did not think the Town had the latitude to place a banner on a billboard.

Mayor Venis questioned if space could be made available for advertising the Town's bond issue. Mr. Wells indicated that there were other units within the community that could be offered at different times for special promotions.

Vice-Mayor Cox clarified that there would be no fee for the billboard on a space available basis but there was a fee for the printing of the advertising. Mr. Wells advised that he would be able reduce the cost \$600 - \$700 per vinyl. Mr. Webber distributed an amended resolution and explained that the resolution acknowledged an exhibit that was attached to the original resolution.

Councilmember Weiner questioned if some type of obligation could be incorporated for Outdoor Systems/Gold Coast to work with the Town to provide special event advertising. Mr. Webber indicated that a subsequent

agreement could be provided to include Council's concerns.

James Burr advised that "they seem very willing to honor the requests but we don't want to get held up" if it was unclear what Council was seeking. Mayor Venis indicated that he thought it was important that the Town had Outdoor Systems intent to provide advertising. Councilmember Weiner said that he was looking for a commitment for advertising three to four times per year. Mr. Wells responded that on an annual basis, two units per year for a minimum of one month advertising could be guaranteed within the Town, and he would not have a problem committing to something on a countywide level.

Councilmember Paul stated that she would like to see the signs listed in the body of the agreement as opposed to an attachment and indicated that the locations were not clear. She understood that the agreement was to include that there would be no cell towers placed on the billboards but she could not find this issue. Ms. Oliver responded that she was not aware of this issue. Mr. Webber advised that the new billboard agreement provided that if there were to be any structural modifications, that Outdoor Systems would have to return the Town for approval.

Councilmember Paul questioned if the agreement would account for all the billboards that were being transferred. Ms. Mellgren stated that five of the six would have to come before Council for a special permit and would require the sixth at Pelican Coast to come back as well. Councilmember Paul questioned if Gold Coast/Outdoor Systems would not allow cell towers to be placed on the billboards. Mr. Wells agreed to not allow cell towers on the outdoor advertising structures. Ms. Oliver also agreed. Ms. Mellgren indicated that Council may want to consider broadening the language to address the various devices so that there was no confusion such as one being a pole versus one being a panel. She suggested that the wording include all types of telecommunication devices.

Councilmember Weiner indicated that he would not want to include stealth devices if they would generate additional revenue. Councilmember Paul indicated that this was fine as long as the device could not be seen.

Vice-Mayor Cox questioned the reference to monthly installments on the Gumberg site not beginning until July 5, 1999. Ms. Oliver advised that the first year had been paid in advance.

David Hughes, Director of the Boys and Girls Club, advised that he was happy with the assignment to Outdoor Systems was the largest outdoor advertising company in America.

Councilmember Paul stated that some of the signs did not have the 18 inch revenue statement and indicated that Ms. Oliver had indicated that this would be taken care of. Councilmember Paul asked that this statement be part of the agreement. Mr. Webber advised that the requirement was part of the ordinance.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to consent to the assignment subject to making the language on prohibited content uniform throughout all nine of the billboards, having the donation of at least two billboards per year for at least 30 days from Outdoor Advertising and the prohibition on placing or affixing telecommunication antennae and devices excluding stealth antennae or devices. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **8. SITE PLANS**

8.1 SP 4-6-98, Shenandoah/SW 136th Avenue Walgreens, northwest corner of Shenandoah Parkway and SW 136 Avenue (B-2) *Planning and Zoning Division recommended approved subject to the planning report; Site Plan Committee recommended approval subject to the planning report, working with staff on the landscaping, and complying with the lighting Code*

Bonnie Miskel, representing the petitioner, requested a deferral on this item to October 7, 1998 as the variance later in the meeting would be withdrawn. She added that the petitioner felt that modifications could be made to be in compliance with the Code. Ms. Miskel indicated that the petitioner would be willing to meet with the residents. Mayor Venis indicated that he and Mr. Rawls had met with Walgreens officials and he would like to meet with the petitioner before the matter returned to Council.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to table the site plan until October 7, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.2 SP 5-7-98, Hess Gas Station Site No. 09055, northeast corner of Davie Road and Nova Drive (M-4) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report, moving the sign to the north, and continuing the canopy and pile band all*

*around the building*

Peter Calusi, representing the petitioner, was present. Gayle Easterling, Planning and Zoning Manager, read the planning report.

Mr. Calusi presented an elevation display and described the site plan. Ms. Mellgren indicated that the location of the sign would need to be resolved because of a palm tree and added that the petitioner had offered to bond for the tree in case it was damaged in the move.

Vice-Mayor Cox made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **9. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

### *Budget*

**9.1 MILLAGE RATE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-298 ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1998, AND ENDING SEPTEMBER 30, 1999. (5.1086 mills)**

Town Clerk Reinfeld read the resolution by title.

Mayor Venis commended staff for preparing a balanced budget and indicated that there was no increase in the operating millage rate. He added that there actually was a decrease in the debt service millage rate.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**9.2 VOTER APPROVED DEBT SERVICE - A RESOLUTION OF THE TOWN OF R-98-299 DAVIE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR VOTER APPROVED DEBT SERVICE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1998, AND ENDING SEPTEMBER 30, 1999. (.6503 mills)**

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

### *Ordinances - Second and Final Reading*

**9.3 BUDGET - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-39 ADOPTING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 1998-1999.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Rex Banks, 3007 Alahambra Street - representing the United Hearing and Deaf Services, stated that 200 Town residents had utilized their services and asked for a contribution of \$2,300 to support the agency.

Jerilyn O'Neal, Memorial Health Care System, advised that Memorial Health Care, the Broward County Schools and Sawgrass Health Center were working towards operating a school based health clinic for the Driftwood area, Ehlinger Apartments and surrounding areas. She advised that the group was looking to enlist the Town's aid as a partner in jointly funding a Neighborhood Coordinator position for 12 months. Councilmember Paul stated that she thought that this was a good proposal. Vice-Mayor Cox stated that it was interesting that the position was for only one year and specific areas would be targeted. Ms. O'Neal discussed the success of the recent Health Fair. Linda Owen, representing the EASE Foundation, stated that the Foundation had provided assistance to 4,400 children within the Town and \$194,000 had been spent to date. She hoped that the Town would continue its



partnership with the Foundation.

Christopher Wallace, Director of Budget and Finance, advised that without Memorial Health Care's request, the requests from charities totaled \$99,860. Mayor Venis indicated that the Seahawk Program had submitted a request which was not indicated in the back up documents. Mr. Wallace stated that the Seahawk Program request was in the budget and his office had tried to contact those who had made requests to attend tonight's meeting. He advised that the Town had received more requests than what funding allowed. Mr. Rawls added that Council would need to change the allocations if it wanted to consider all the requests.

Councilmember Paul questioned Broward Alliance's request being considered along with the non-profit organizations as she did not think it belonged with these requests. Vice-Mayor Cox agreed as she thought it was more of an economic issue. Mayor Venis stated that the Alliance's request should be a separate line item as it was a five year commitment.

Michael Langley, representing Broward Alliance, stated that the Alliance was not a charitable organization and agreed that it would be inappropriate to be categorized under a charitable budget item. He stated that the Alliance was economic development/community development oriented. Mr. Langley advised that 15 cities had joined the Alliance and 3 cities were under budget consideration. He explained the Alliance's function and indicated that the long term results included companies expanding and jobs being created.

Mayor Venis closed the public hearing.

Councilmember Weiner announced that he had spoken to Jerilyn O'Neal and Bea Schwartz. Vice-Mayor Cox announced that she had also spoken to Ms. Schwartz.

Mayor Venis indicated that if a request was not made, a donation would not be given and added that the donations could be prorated. Mr. Rawls indicated that individual resolutions would be brought before Council in October and if it was Council's direction to fund the Broward Alliance, staff could return with recommendations for funding.

Councilmember Paul stated that she would like to get clarification on what the Town would receive for membership as she thought it seemed to be a duplication of the Economic Development Council efforts. Since this was a five year commitment, she questioned what happened if the Town was not receiving what it thought it should after one year. Mr. Langley stated that the five year pledge was not a legally binding pledge and only an annual participation was being required.

Discussion followed regarding the Broward Alliance with Councilmember Weiner indicating his thoughts of moving the Broward Alliance line item from the charitable organizations and if there was money remaining, transferring this amount while looking at other sources. Council agreed.

Mr. Rawls reiterated that resolutions would be brought before Council which would address each charitable organization with the exception of Broward Alliance. He questioned if it was Council's direction for staff to revisit the other budgetary allocations to support funds for the Broward Alliance. Mayor Venis recommended that this issue be reviewed and added that it was a good concept. Mr. Langley advised that he would need to know if the Town would be participating by early October as printing of documents would be done.

Councilmember Paul questioned if the Broward Alliance would provide the assistance of grant writers with Mr. Langley responding in the affirmative.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve with the addendum that Mr. Rawls look at additional funding and at least come back at the next meeting with options. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis indicated that the resolution that Mr. Rawls had previously discussed needed to be added to the agenda as item 13.2.

Vice-Mayor Cox made a motion, seconded by Councilmember Paul, to add. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**13.2 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND R-98-300 AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA FOR A SITE LOCATED AT FLAMINGO ELEMENTARY SCHOOL; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the resolution by title.

Vice-Mayor Cox made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**9.4 WARRANTY DEED - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-40 ACCEPTING A WARRANTY DEED FROM RALPH E. AND PENELOPE G. NORTON CONVEYING CERTAIN PROPERTY FOR USE AS A PUBLIC RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (5775 Orange Drive)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**9.5 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RO AND A-1 TO CF; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-98, Orshefsky/Mark-Age, Inc., 5451 SW 64 Avenue)**

This item was tabled earlier in the meeting.

*Ordinance - First Reading (public hearing to be held October 7, 1998)*

**9.6 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB(TXT)-7-5-98 CREATING THE "RESIDENTIAL HIGH DENSITY DWELLING (RM-22) DISTRICT" BY AMENDING THE CODE OF DAVIE, FLORIDA, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-21 ENTITLED, "ZONING DISTRICTS"; SECTION 12-24 ENTITLED "STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS"; SECTION 12-32 ENTITLED, "TABLE OF PERMITTED USES"; SECTION 12-53 ENTITLED, RESIDENTIAL PERFORMANCE STANDARDS"; SECTION 12-81 ENTITLED, RESIDENTIAL, NEIGHBORHOOD CONSERVATION AND MOBILE HOME STANDARDS, TABLE 12-81C. CONVENTIONAL MULTIFAMILY DEVELOPMENT STANDARDS"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a second public hearing would be held on October 7, 1998.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul clarified that this ordinance was for housecleaning purposes for rebuilding in cases of disaster. Ms. Mellgren responded in the affirmative and provided an explanation. Mayor Venis asked if this ordinance could be for specific properties with Mr. Webber replying that an ordinance had to have application throughout the Town. Discussion followed with Mr. Webber indicating that he would like to investigate this issue with the bankers to see if an ordinance could be adopted that would satisfy the bank's concerns for rebuilding. Mayor Venis suggested that this item be tabled to the October 7, 1998 meeting. Councilmember Weiner made a motion, seconded by Councilmember Paul, to table to October 7, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

*Quasi Judicial Items*

**9.7 REZONING - ZB 7-2-98, Miller, Legg and Associates, Inc./Sherrod, 1805 SW 118 Avenue (from AG to R-1) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval** Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Ms. Easterling summarized the planning report.

Sue Jackson, representing the petitioner, was present.

Councilmember Paul clarified that there would be eight homes and questioned if there would be any common areas. An unidentified man explained that the common areas would be the public utility easements on the north and south side of streets. He indicated that the homes would be known as Pebble Creek at Davie.

Mr. Webber asked if anyone wished to provide testimony on the rezoning. No one spoke.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve subject to the recommendations. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Weiner - yes. (Motion carried 5-0)

**9.8 REZONING** - ZB 7-3-98, Engel/Pless, 6425 SW 41 Street (from RM-16 to B-2) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

The petitioner was not present. **(This item was tabled later in the meeting to October 7, 1998.)**

**9.9 VARIANCE** - V 4-1-98, Avid Engineering, Inc./Barclay Group No. 8 Ltd., northwest corner of Shenandoah Parkway and SW 136 Street (to reduce the required number of parking spaces from 76 to 72 parking spaces) (tabled from August 19, 1998) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mayor Venis stated that this item needed to be tabled to October 7, 1998.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to table. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; and Councilmember Weiner - yes. (Motion carried 5-0) **(This item was withdrawn later in the meeting subject to the petitioner's comments under item 8.1.)**

***Items to be tabled***

**9.10 PLANNING AND ZONING BOARD TABLED TO OCTOBER 28, 1998; STAFF REQUESTING A TABLING TO NOVEMBER 18, 1998**

**REZONING** - ZB 3-1-98, Bugbee, 4710 SW 72 Avenue (tabled from May 20, 1998)

This item was tabled earlier in the meeting.

**9.11 STAFF REQUESTING A TABLING TO OCTOBER 7, 1998**

**REZONING** - ZB 5-3-98, Investor Financial Corporation/Brenner, 5805 Davie Road (from B-2 and R-2 to RM-10) (tabled from September 2, 1998)

This item was tabled earlier in the meeting.

**9.12 PLANNING AND ZONING BOARD TABLED TO OCTOBER 14, 1998; COUNCIL CAN TABLE TO OCTOBER 21, 1998**

**REZONING** - ZB 7-4-98, Conquistador Apartments, 7400 Stirling Road

This item was tabled earlier in the meeting.

**9.13 PLANNING AND ZONING BOARD TABLED TO OCTOBER 28, 1998; STAFF REQUESTING A TABLING TO NOVEMBER 18, 1998**

**VARIANCE** - V 3-2-98, Bugbee, 4710 SW 72 Avenue (tabled from May 20, 1998)

This item was tabled earlier in the meeting.

**9.14 PLANNING AND ZONING BOARD TABLED TO OCTOBER 28, 1998; STAFF REQUESTING A TABLING TO NOVEMBER 18, 1998**

**VARIANCE** - V 5-3-98, Felicella, P.E./Viele, 6900 Griffin Road (tabled from July 15, 1998)

This item was tabled earlier in the meeting.

**9.15 STAFF REQUESTING A TABLING TO OCTOBER 7, 1998**

**VARIANCE** - V 6-4-98, Investor Financial Corporation/Brenner, 5805 Davie Road (B-2 and R-2) (tabled from September 2, 1998)

This item was tabled earlier in the meeting.

**9.16 STAFF REQUESTING A TABLING TO OCTOBER 7, 1998**

**VARIANCE - V 7-1-98, Southwest Broward Theaters Holdings, Inc., 15401 Sheridan Street**

This item was tabled earlier in the meeting.

9.8 As the petitioner was not present, Mayor Venis questioned if this item should be tabled. Mr. Webber replied affirmatively.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table to October 7, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**10. ORDINANCES - FIRST READING** (Public hearing to be held October 7, 1998)

**10.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO R-1; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-2-98, Miller, Legg and Associates, Inc./Sherrod, 1805 SW 118 Avenue)**

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing on item 9.6 would be held on October 7, 1998.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.9 Mayor Venis indicated that this item had previously been tabled, however, the petitioner had requested that it be withdrawn.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to amended his motion to withdraw. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**10.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RM-16 TO B-2; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-3-98, Engel/Pless, 6425 SW 41 Street)**

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to table to October 7, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**11. APPOINTMENTS**

**11.1 Child Safety Board** (Councilmember Bush - one exclusive appointment; term expires July 1999)  
Councilmember Bush deferred his appointment.

**11.2 Parks and Recreation Advisory Board** (Mayor Venis - one exclusive appointment; September 1998 to August 1999)  
Mayor Venis appointed Monroe Kiar.

**11.3 Unsafe Structures Board** (one non-exclusive appointment; appointment shall be an electrical contractor; term expires April 1999)  
This item was deferred.

**11.4 Voting and Alternate Voting Delegates - Annual Congress of Cities** (December 1 - 5, 1998)  
Vice-Mayor Cox nominated Councilmember Bush as the Voting Delegate and indicated that Mayor Venis was

normally the Alternate Voting Delegate. In a voice vote, all voted in favor.

## **12. OLD BUSINESS**

There was no old business to be discussed.

## **13. NEW BUSINESS**

### **13.1 Extension of Special Permit for Country Western Store Permit**

Ms. Mellgren stated that the original special permit was for a temporary modular unit for one year and advised that the petitioner was now requesting a two year extension. She indicated that she had suggested a number of improvements that the petitioner might want to offer in addition to the promised improvements of a year ago. Ms. Mellgren added that staff had not seen any improvements made to the site.

Neal Kalis, representing Mr. McHugh, advised that Mr. McHugh had suffered significant health problems after the Town's process. He indicated that Mr. McHugh had agreed to the items suggested by Ms. Mellgren and explained that the two year extension would "time in" with the completion of Griffin Road. Mr. Kalis advised that the previous improvements were included in a deed restriction and Mr. McHugh had agreed to increase "based on a cost factor of money" the amount that would be contributed to the Griffin Park Estates Homeowners and to include trees. Ms. Mellgren stated that the conceptual master plan provided for a berm and landscaped hedge but did not mention any tree requirement; however, the Code clearly required trees. She asked for clarification so that all the documents were consistent with the berm, the hedge and the trees so that in future years it could not be interpreted that the deed restrictions would supersede the Code. Ms. Mellgren stated that she had asked that the entry sign to Griffin Park Estates be installed by December 1st and the deadline for contribution toward a brick paver project be extended to 2001.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve subject to the recommendation. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Vice-Mayor Cox asked that the December 2nd Council meeting be rescheduled to December 1st as Council would be attending the League of Cities meeting.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to change the meeting from the first Wednesday to the first Tuesday in December. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **14. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 10:05 p.m.



